

REMARKS

By this amendment, claims 110-131 are pending, in which no claim is canceled, currently amended or newly added. Claims 1-109 were previously canceled.

The Office Action mailed September 29, 2006 rejected claims 110-114 and 120-131 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Picard et al.* (US 6,233,318), and claims 115-119 as obvious under 35 U.S.C. § 103 based on *Miller* in view of *Picard et al.*, and further in view of *LaVallee et al.* (US 5,181,236).

Applicants respectfully traverse the obviousness rejections, as next explained.

With regard to independent claim 110, the Examiner asserts that *Miller* teaches the claimed subject matter, but for two specific teachings. First, the Examiner recognizes that *Miller* lacks a teaching of a voicemail message. Consequently, the Examiner relies on *Picard et al.* for such a voicemail message (citing col. 1, lines 27-30) and asserts that it would have been obvious “to modify *Miller* to incorporate a voicemail message in order to store voice message for later retrieval” (page 3 of the Office Action). Second, the Examiner recognizes that *Miller* lacks a specific teaching of generating textual information based on the received voicemail message and sending the textual information to a device. Again, the Examiner is forced to rely on *Picard et al.* for such a teaching, citing the Abstract, FIG. 1, col. 9, lines 2-6, and col. 13, lines 46-49. The Examiner concludes that it would have been obvious “to modify *Miller* to generate textual information based on the received voicemail message and sending the textual information to a device as taught by *Picard et al.*”; the motivation being “in order to send message to particular destination of different format” (page 4 of the Office Action).

Applicants assert that neither *Miller* nor *Picard et al.* teaches or suggests the claimed feature of “generating textual information based on the received voicemail message.”

Clearly, *Miller* is devoid of such a teaching, and the Examiner admits as much. As stated at lines 8-13 in the Abstract, *Picard et al.* discloses the following:

The system provides voicemail access over the telephone network, indicating message number, etc. with the ability to play messages to the telephone user as desired. For text type messages, such as facsimile and e-mail, the system converts the text into speech and plays the speech to the telephone user.

Picard et al. permits accessing multimedia mailboxes and messages over the internet and via telephone (Title). However, the text viewing is separate from the voicemail messages, i.e., the text viewing is for original textual content. Thus, the textual content in *Picard et al.* is not “based on the received voicemail message,” as claimed, but, rather, is separate from the voicemail message. It is noted that the Abstract describes providing voicemail access, and then in the next sentence, recites “For text type messages...” the system converts text into speech and plays the speech. Thus, in *Picard et al.*, the voicemail access and the text type messages are treated differently; and there is clearly no recited function between the two in the sense that one, e.g., textual content, is in any way based on the other, e.g., voicemail message.

The portions of *Picard et al.* cited by the Examiner for the alleged teachings of the claimed feature do not, in fact, teach or suggest the features. The cited passage of col. 9, lines 2-6, states the following:

When the destination is not the same IMS the message is format converted as needed. Forwarding to another mailbox on the same IMS is implemented in the same way as for voice and facsimile, and operates independently of data type.

The above merely concerns format converting when a destination is not the same integrated messaging system and the forwarding of messages to another mailbox, but in no way suggests the generation of textual information based on a received voicemail message.

Picard et al., within col. 13, lines 46-49, describes the following:

b. If the message is native voice or facsimile, and the recipient address is not a phone number, the message is sent to the EMS 66, with the data converted to a MIME audio or image/tiff type.

This passage concerns conversion to audio and image/tiff format, which also does not suggest the generation of textual information based on a received voicemail message.

Accordingly, neither of the applied references, alone or in combination, teaches or suggests the important claim feature of “generating textual information based on the received voicemail message.”

Moreover, even assuming that the references disclosed or suggested what the Examiner has alleged them to teach or suggest (an assumption which Applicants contest), the Examiner has failed to set forth a reasonable rationale as to why the skilled artisan would have sought to combine these references in any manner as to result in the instant claimed subject matter. The Examiner’s rationale for combining *Miller* and *Picard et al.* is “to send message to particular destination of different format” (page 4 of the Office Action). Such reasoning is faulty because *Picard et al.*, for example, already generally teaches sending messages of different formats to particular locations. The Examiner’s rationale does not explain why the references would have been modified to provide for the generation of textual information “based on the received voicemail message,” as claimed. In fact, the Examiner’s rationale is devoid of any reasoning for establishing any relationship between the generated textual information and the received voicemail message.

Accordingly, the Examiner has failed to present a *prima facie* case of obviousness with regard to the subject matter of claims 110-114, 130, and 131 and a withdrawal of the rejection of these claims under 35 U.S.C. § 103 is respectfully requested.

With regard to independent claims 120 and 125, the Examiner admits that *Miller* fails to specifically teach transmitting the voicemail message to a speech processor for conversion of the voicemail message to a different media, wherein the media is forwarded to the device. The Examiner relies on *Picard et al.* for this claimed feature, referring to the same portions of *Picard et al.* (abstract, FIG. 1, col. 9, lines 2-6, and col. 13, lines 46-49) relied on regarding the rejection of claim 110. Applicants respectfully submit that the error in the Examiner's reasoning is that while *Picard et al.* converts to a MIME audio format, it is silent as to any "speech processor," as positively recited independent claims 115 and 125. Since neither *Miller* nor *Picard et al.* teaches or suggests the claimed transmission of the voicemail message "to a speech processor for conversion of the voicemail message to a different media," as claimed, the rejection of claims 120-129 under 35 U.S.C. § 103 is improper. Thus, Applicants respectfully request that such rejection be withdrawn.

Moreover, even if *Picard et al.* suggested, arguendo, such a speech processor, the Examiner has not provided an adequate justification for combining *Picard et al.* with *Miller*. The rationale, "in order to send message to particular destination of different format" is not reasonable since it appears that *Picard et al.*, alone would provide, in general, for sending messages of different formats to a particular destination. Thus, no *prima facie* case of obviousness has been shown by the Examiner.

The Examiner adds *LaVallee et al.* to the combination of *Miller* and *Picard et al.* to reject independent claim 15 and the claims dependent thereon. However, *LaVallee et al.* was cited by the Examiner only as a teaching of an automatic call distributor. *LaVallee et al.* does not provide for the deficiencies of *Miller* and *Picard et al.* as noted above, with regard

to "a speech processor configured to generate textual information based on the voicemail message."

Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness with regard to claims 115-119, and a withdrawal of this rejection is respectfully requested.

Therefore, the present application, in its current condition, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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